

## OPINION SUMMARY

### MISSOURI COURT OF APPEALS EASTERN DISTRICT

#### DIVISION ONE

KURT D. USRY,	)	ED103604
	)	
Appellant,	)	Appeal from the Circuit Court of
	)	St. Charles County
v.	)	1411-CC00427
	)	
STATE OF MISSOURI,	)	Honorable Richard Zerr
	)	
Respondent.	)	Filed: September 20, 2016

Kurt Usry ("Appellant") appeals the judgment of the motion court, after an evidentiary hearing, denying his Rule 29.15 post-conviction relief motion.

REVERSED AND REMANDED.

Division One Holds: Appellant's amended motion was untimely filed and the motion court is required to conduct an independent abandonment inquiry.

Opinion by: Lisa P. Page, J.

Robert M. Clayton III, P.J. and Mary K. Hoff, J., concur.

Attorney for Appellant: Lisa M. Stroup

Attorney for Respondent: Mary Highland Moore

<p><b>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</b></p>
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